

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Criminal No. 2015-03
)
DAVID PINA LICO,)
)
Defendant.)
)

ATTORNEYS:

Ronald Sharpe, United States Attorney
Nelson Luis Jones, AUSA
United States Attorney's Office
St. Thomas, VI
For the United States of America,

Daniel Louis Cevallos, Esq.
Cevallos & Wong LLP
Philadelphia, PA
For defendant David Pina Lico.

ORDER

GÓMEZ, J.

Before the Court are the defendant's motions to continue trial management dates and the defendant's application for waiver of his speedy trial. For the reasons stated herein, the time to try this case is extended up to and including December 31, 2015.

The indictment in this matter was filed on January 8, 2015. In it, the defendant is charged with conspiring to possess with the intent to distribute a controlled substance, as well as possession with the intent to distribute a controlled substance. Prior to his indictment in this Court, the defendant was indicted for similar offenses in the District of Puerto Rico. The defendant represents

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that he seeks a continuance and wishes to waive his right to a speedy trial because of: a need to coordinate with the attorneys working on his case in Puerto Rico; and a need to allow counsel time to review discovery recently received from the government.

While the Speedy Trial Act requires that a defendant be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice for several reasons. First, an extension is necessary to allow counsel to determine the status and relevance of the investigations and legal progression of the defendant's case in Puerto Rico. Second, the defense requires additional time to review discovery. Third, the defendant made this request with the advice and consent of counsel.

Consistent with these concerns, the United States Court of Appeals for the Third Circuit has recognized that "whether or not a case is 'unusual' or 'complex,' an ends of justice continuance may in appropriate circumstances be granted." *United States v. Fields*, 39 F.3d 439, 444 (3d Cir. 1994)(citing *United States v. Dotta*, 33 F.3d 1179(9th Cir. 1994) ("An ends of justice continuance may be justified on grounds that one side needs more time to prepare for trial...even though a case is not complex")); see also *United States v. Brooks*, 697 F.2d 517, 522 (3d Cir. 1982), cert. denied, 460 U.S. 1071 (1983) (no abuse of discretion where district court found that multiple count, multiple defendant "case was complex and required additional time for adequate preparation."); *United States v. Lattany*, 982 F.2d 866, 883 (3d Cir. 1992) ("district court did not abuse its discretion [by

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delaying trial] to give counsel ... opportunity to...decid[e] upon and prepar[e] an appropriate defense.")

The premises considered, it is hereby

ORDERED that the time beginning from the date of this order granting an extension through December 31, 2015, shall be excluded in computing the time within which a trial must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that the defendant shall file any motions in this matter no later than August 14, 2015; it is further

ORDERED that the omnibus hearing in this matter, previously scheduled for May 11, 2015, is hereby **RESCHEDULED** to commence promptly at 9:00 AM on August 25, 2015; and it is further

ORDERED that the trial in this matter, previously scheduled for May 18, 2015, is **RESCHEDULED** to commence promptly at 9:00 AM on September 8, 2015.

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Curtis V. Gómez
District Judge